

REMARKS

This Response is submitted in reply to the Office Action dated January 25, 2007. Claims 19, 22, 44 and 47 have been amended. No new matter has been added by such amendments.

A Terminal Disclaimer is submitted herewith. Please charge deposit account number 02-1818 for the cost of the Terminal Disclaimer and any fees associated with this Response.

The Examiner has not initialed that he considered any of the FOREIGN PATENT DOCUMENTS or any of the OTHER DOCUMENTS listed on the PTO Form 1449 considered by the Examiner on January 11, 2007. The Examiner indicated on this PTO Form 1449 that such documents were not present. Applicants respectfully submit that copies of such documents can be found in the parent, patent application no. 09/945,082, filed on August 31, 2001, now U.S. Patent 6,632,141. Applicants request that the Examiner consider such documents in connection with this application. If the Examiner requires another copy of these references, Applicants respectfully request that the Examiner contact the undersigned by telephone.

The Office Action rejected Claims 1 to 49 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1 to 36 of U.S. Patent No. 6,632,141. Applicants have submitted a Terminal Disclaimer to overcome these rejections over U.S. Patent No. 6,632,141. Accordingly, Applicants respectfully submit that Claims 1 to 49 are now in condition for allowance.

The Office Action rejected Claims 1 to 4, 6 to 35, 38, 41, 44 and 47 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,139,013 to Pierce et al. ("Pierce"). Applicants respectfully disagree with these rejections.

Pierce discloses a pachinko bonus game system for an underlying gaming machine. The pachinko bonus game has a playing field with a plurality of rows of pegs. In operation, a ball is launched onto the playing field by a launch mechanism when an initiate condition occurs during play of the underlying game. A row of lanes are

provided on the playing field and the ball, after traversing among the pegs on the playing field, eventually travels through one of the lanes. Each lane is randomly associated with a displayed bonus payoff value. The lane the ball travels through senses the presence of the ball and the value displayed for that lane is added to the credit meter in the underlying game. The bonus payoff values are randomly changed from game to game.

In one version of Pierce, the game machine gives the player the option to double-or-nothing the bonus payout determined in the previous pachinko game. In this version, the pachinko lanes are each associated with either a "Double" symbol or "Nothing" symbol and a ball is launched as described above. If the ball travels through a lane associated with a "Double" symbol, the player's bonus payout previously determined is doubled. If the ball travels through a lane associated with a "Nothing" symbol, the player's bonus payout previously determined is lost.

Independent Claim 1 is directed to a gaming device including a primary game operable upon a wager by a player, a plurality of player selectable selections, and a plurality of offers associated with a plurality of the selections. The gaming device includes at least one terminator associated with one of the selections, and at least one anti-terminator associated with one of the selections. The gaming device includes a triggering event in the primary wagering game, wherein after the occurrence of the triggering event the player is enabled to pick one of the selections. The anti-terminator is retained if the anti-terminator is associated with the player picked selection, and a terminating event occurs if the terminator is associated with the player picked selection and the anti-terminator is not retained. The player is enabled to accept the offer associated with the player picked selection if one of the offers is associated with the player picked selection. The accepted offer is provided to the player if the player accepts the offer associated with the player picked selection. The player is enabled to pick at least one subsequent selection if the player does not accept the offer associated with the player picked selection, wherein if the terminator is associated with the subsequently picked selection, the retained anti-terminator nullifies the terminator associated with the subsequently picked selection.

Similar to independent Claim 1, independent Claims 8, 12, 15, 18, 35, 38 and 41 each generally include, amongst other elements, at least one anti-terminator associated with one of a plurality of selections, wherein the anti-terminator is retained if the anti-terminator is associated with the player picked selection and if a terminator is associated with a subsequently picked selection, the retained anti-terminator nullifies the terminator associated with the subsequently picked selection.

Similar to independent Claim 1, amended independent Claims 19, 22, 44 and 47 each generally include, amongst other elements, at least one anti-terminator associated with one of a plurality of selections, wherein the anti-terminator is retained if the anti-terminator is associated with the player picked selection.

Independent Claim 25 is directed to a gaming device including, amongst other elements, at least one anti-terminator obtained in a base game and a processor which causes selections to be picked until the player accepts an offer or until the player picks one of the selections having a terminator associated with the selection and the processor does not have any retained anti-terminators.

The Office Action states that Pierce discloses a plurality of terminators associated with one of a plurality of player selectable selections and at least one anti-terminator associated with one of the selections. The Office Action states that this is disclosed in Pierce wherein primary and bonus games are played and bonus games are triggered by bonus game anti-terminator symbols in a basic game. Applicants respectfully disagree and submit that an occurrence of a bonus symbol (to activate a bonus game) in a primary game is significantly different than the anti-terminator of the gaming devices/methods of operating a gaming device of independent Claims 1, 8, 12, 15, 18, 19, 22, 25, 35, 38, 41, 44 and 47. Pierce does not disclose any terminators, and specifically does not disclose a plurality of terminators associated with a plurality of player selectable selections. Moreover, Pierce does not disclose any anti-terminators, and specifically does not disclose any anti-terminators associated with any player selectable selections or any retained anti-terminators.

On the other hand, the gaming devices/method of operating a gaming device of independent Claims 1, 8, 12, 15, 18, 35, 38 and 41 each include at least one terminator

associated with at least one selection. Additionally, the gaming devices/method of operating a gaming device of independent Claims 1, 8, 12, 15, 18, 19, 22, 35, 38, 41, 44 and 47 each include at least one anti-terminator associated with one of the selections, wherein the anti-terminator is retained if the anti-terminator is associated with the player picked selection. Similarly, unlike Pierce, the gaming device of independent Claim 25, includes at least one anti-terminator obtained in a base game and a processor which causes selections to be picked until the player accepts an offer or until the player picks one of the selections having a terminator associated with the selection and the processor does not have any retained anti-terminators.

The Office Action additionally states that Piece discloses that if the terminator is associated with the subsequently picked selection, the retained anti-terminator nullifies the terminator associated with the subsequently picked selection. The Office Action states that this is disclosed in Pierce where a bonus game does not require all symbols on a payline to be bonus anti-terminator symbols and one is sufficient to activate a bonus game. Applicants respectfully disagree and submit that requiring less than all symbols on a payline to be bonus symbols to activate a bonus game is significantly different than the terminator nullifying effects of a retained anti-terminator of the gaming devices/method of operating a gaming device of independent Claims 1, 8, 12, 15, 18, 35, 38 and 41. As described above Pierce does not disclose any anti-terminators and specifically does not disclose any nullification of any terminator with any retained anti-terminator. On the other hand, in each of the gaming devices/methods of operating a gaming device of independent Claims 1, 8, 12, 15, 18, 35, 38 and 4,1 if the terminator is associated with the subsequently picked selection, the retained anti-terminator nullifies the terminator associated with the subsequently picked selection. For at least these reasons, Applicants respectfully submit that Claims 1, 8, 12, 15, 18, 19, 22, 35, 38, 41, 44 and 47 are patentably distinguished over Pierce and in condition for allowance.

Claims 2 to 4, 6, 7, 9 to 11, 13 to 14, 16, 17, 20, 21, 23 and 24 depend directly or indirectly from independent Claims 1, 8, 12, 15, 19 and 22 respectively, are also allowable for the reasons given with respect to Claims 1, 8, 12, 15, 19 and 22 and because of the additional features recited in these claims.

The Office Action rejected Claim 5 under 35 U.S.C. §103(a) as being unpatentable over Pierce.

Claim 5 is directed to the gaming device of Claim 1, wherein a recommendation that the player accepts a previous offer is displayed prior to revealing the offer associated with at least one of the player picked selections.

The Office Action states that it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the basic and bonus game system including an option to keep a previous award offer or attempt a double or nothing game of Pierce with the method of withholding the first award offer before beginning a double or nothing round in order to either encourage a player to risk more winnings for an additional game or encourage a player to prevent attempting greater winnings.

Applicants submit that regardless of whether or not it would have been obvious to modify Pierce in such a manner, Pierce does not teach, disclose or suggest any anti-terminators, and specifically any anti-terminators associated with any player selectable selections or any retained anti-terminators. On the other hand, the gaming device of Claim 5 includes at least one terminator associated with at least one selection and at least one anti-terminator associated with one of the selections, wherein the anti-terminator is retained if the anti-terminator is associated with the player picked selection. Moreover, Pierce does not teach, disclose or suggest any nullification of any terminator with any retained anti-terminator. On the other hand, in the gaming device of Claim 5 if the terminator is associated with the subsequently picked selection, the retained anti-terminator nullifies the terminator associated with the subsequently picked selection. For at least these reasons, Applicants respectfully submit that Claim 5 is patentably distinguished over Pierce and in condition for allowance.

The Office Action rejected Claims 36, 37, 39, 40, 42, 43, 45, 46, 48 and 49 under 35 U.S.C. §103(a) as being unpatentable over Pierce in view of U.S. Patent No. 6,001,016 to Walker et al. ("Walker").

The Office Action states that Walker teaches a basic and bonus reel game system provided to the player through a data network.

The Office Action states that it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the basic and bonus game system connected by generic cable of Pierce with the reel game system connected by internet data network of Walker in order to increase the number of players that may play a game and provide a reliable wide area gaming environment.

Applicants submit that regardless of whether or not it would have been obvious to modify Pierce in such a manner, neither Pierce or Walker individually, nor the gaming device resulting from the combination of Pierce and Walker teaches, discloses or suggests any anti-terminators, and specifically any anti-terminators associated with any player selectable selections or any retained anti-terminators. On the other hand, the methods of operating a gaming device of Claims 36, 37, 39, 40, 42, 43, 45, 46, 48 and 49 each include at least one anti-terminator associated with one of the selections, wherein the anti-terminator is retained if the anti-terminator is associated with the player picked selection.

Moreover neither Pierce or Walker individually, nor the gaming device resulting from the combination of Pierce and Walker teaches, discloses or suggests any nullification of any terminator with any retained anti-terminator. On the other hand, in the method of operating a gaming device of Claims 36, 37, 39, 40, 42 and 43 if the terminator is associated with the subsequently picked selection, the retained anti-terminator nullifies the terminator associated with the subsequently picked selection. For at least these reasons, Applicants respectfully submit that Claims 36, 37, 39, 40, 42 and 43 are patentably distinguished over Pierce and Walker and in condition for allowance.

An earnest endeavor has been made to place this application in condition for formal allowance and in the absence of more pertinent art such action is courteously solicited. If the Examiner has any questions regarding this Response, Applicants respectfully request that the Examiner contact the undersigned.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY 
Adam H. Masia
Reg. No. 35,602
Customer No. 29159

Dated: April 11, 2007